S.B. Civil Writ Petition No.7851/02
Toshik Kumar Vs. State of Raj. & Ors.

19.2.2007

Hon'ble Mr.Justice Mohammad Rafiq

Shri V.B. Srivastava for petitioner.
None present for respondents.

This writ petition was filed by the petitioner way back on 24.10.2002 with the prayer that the respondents be directed to produce the entire record relating to his admission to MBBS course with Mahatma Gandhi National University by order dated 26.9.02 on the basis of his marks / rank No.238 and be further directed to grant him admission against the free seat as per his selection based on Rajasthan Pre-Medical Test, 2002. Grievance of the petitioner is that he was given only seven days time to produce his original documents, but as the

petitioner was pursuing his studying in Ist year of B.D.S. in Chennai, therefore, it was not possible to him to procure the requisite documents within that period and produce them before the respondent no.3. The petitioner therefore while depositing the fee and furnishing the bond of Rs.25,000/- requested them to grant him sometime for deposition of the original certificates.

The respondents have however referred the Ordinance 272 clause(V)(xii) which required them that no vacancy can be filled in after expiry of three months from the date of initial selection and therefore the admission process had to be completed within three months from 22.7.02 upto 22.10.02. Second counseling was held on 23.9.02 to 25.9.02 as per the programme

notified in the newspaper on 18.9.02. While respondent no.3 has submitted that when the list of candidates was sent to them on 26.9.02 but selected candidates were required to join upto 5.10.2002. This date was later extended upto 8.10.2002. The said time frame was laid down pursuant to a division bench judgment of this Court. It was, therefore not possible for them to extend the time limit.

In the facts of the case when now the period of almost five years have gone by since the writ petition was originally filed, no relief at this stage can possibly be granted to the petitioner. Besides, the petitioner has also been prosecuting the study course of BDS.

Learned counsel for the petitioner submits that he may be allowed the liberty

to approach the Consumer Forum as the petitioner has suffered loss of career and inconvenience. According to him, the dismissal of the writ petition may be an impediment in his way, if he wanted to approach the Consumer Forum. It goes without saying that the remedy under the Consumer Protection Act of 1986 is an independent remedy and the relief which the petitioner prayed for in the present writ petition was entirely different than the one which he may seek before the Consumer Forum and, therefore, his apprehension that dismissal of this petition may create an embargo on his rights to seek redressal of his grievance under that Act, does not appear to be well founded.

With the above observations, the writ petition is dismissed with no order as to costs.

(Mohammad Rafiq),J.

RS/-